

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WILLIAM ANDERSON,

NO. C09-0850 RAJ

Plaintiff,

STIRRUL ATION AND ORDER

v.

THE BASEBALL CLUB OF SEATTLE
d/b/a/ THE SEATTLE MARINERS, et al..

Defendants.

I. STIPULATION

On June 17, 2010, this court entered an order requiring Defendant City of Seattle to “produce to counsel for plaintiff and co-defendants all otherwise discoverable documents that have been withheld because they contain nonconviction data.” Order (Dkt. # 33). That Order covered discovery requests pending at the time, but it did not explicitly cover discovery requests sent after the date of the order. Since that time, the plaintiff has submitted several further discovery requests to Defendant City of Seattle asking for the production of documents containing information that defendant City of Seattle believes to be privileged pursuant to the Washington State Criminal Records

1 Privacy Act, Title 10.97 RCW, the Public Disclosure Act, RCW 42.56.210¹, RCW
2 5.60.060(5), the Freedom of Information Act, 5 U.S.C. § 552(b)(7)(C) and F.B.I. v.
3 Abramson, 456 U.S. 615, 622 (1982). It is Defendant City of Seattle's position that,
4 subject to these statutes and case law, non-conviction data and the identities of the
5 witnesses, victims, complainants, and non-convicted suspects cannot be disclosed
6 except pursuant to court order. This motion asks the court for an order compelling the
7 further production of certain nonredacted documents relevant to this litigation. This
8 motion also asks that such an order operate prospectively, so that a further order is
9 unnecessary with respect to further discovery requests that may be made in this
10 litigation. The parties stipulate that such an order is appropriate.

11 DATED: September 13, 2010.

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¹ Formerly codified as RCW 42.17.310.

II. ORDER

THIS MATTER came before the court on the parties' stipulation for an Order Requiring City to Provide Non-Conviction Data in Response to Further Discovery Requests by Plaintiff. Defendant City of Seattle is restrained from providing that documentation to the parties because of the Washington Criminal Records Privacy Act, the Public Disclosure Act, the Freedom of Information Act and *F.B.I. v. Abramson*. The court GRANTS the stipulation (Dkt. # 36), and now

ORDERS that, for all discovery requests that have been served or will be served in this litigation upon the City of Seattle, the City is authorized to and shall produce to counsel for plaintiff and co-defendants nonredacted copies of all otherwise discoverable documents that have been withheld because they contain nonconviction data.

DATED this 13th day of September, 2010.

Richard D. Jones
The Honorable Richard A. Jones
United States District Judge